

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

SOUTHERN APPALACHIAN
MOUNTAIN STEWARDS, et al.,

Plaintiffs,

v.

Civil Action No. 2:09cv200

COLONEL DIONYSIOS ANNINOS
District Engineer, U.S. Army Corps
of Engineers, Norfolk District, et al.,

Defendants,

A&G COAL CORPORATION and
VIRGINIA COAL ASSOCIATION,

Defendants-Intervenors.

STIPULATION OF DISMISSAL

Pursuant to Rule 41(a)(1)(A)(ii), the parties stipulate to the dismissal of this action, with each party bearing its own costs and fees.

/s/
Walton D. Morris, Jr.
Virginia State Bar No.
Morris Law Office, P.C.
1901 Pheasant Lane
Charlottesville, Virginia 22901
434-293-6616 Office
434-293-2811 Fax
wmorris@charlottesville.net
Counsel for Plaintiffs

/s/

Neil H. MacBride
United States Attorney
By: Virginia VanValkenburg
Assistant United States Attorney
Virginia State Bar No. 33258
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510
757-441-6331 Office
757-441-6689 Fax
Virginia.VanValkenburg@usdoj.gov
Counsel for the Federal Defendants

/s/

Jeffrey H. Gray
Virginia State Bar No. 22304
Troutman Sanders LLP
222 Central Park Avenue, Suite 2000
Virginia Beach, Virginia 23462
757-687-7519 Office
757-687-1554 Fax
jeffrey.gray@troutmansanders.com
Counsel for Virginia Coal Association

/s/

William H. Wright, Jr.
Virginia State Bar No. 25576
Hunton & Williams LLP
Riverfront Plaza, East Tower
951 East Byrd Street
Richmond, Virginia 23219-4074
804-788-8200 Office
804-788-8218 Fax
cwright@hunton.com
Counsel for A&G Coal Corporation

Respectfully Submitted,

NEIL H. MACBRIDE
UNITED STATES ATTORNEY

By: _____
Virginia VanValkenburg
Assistant United States Attorney
Virginia State Bar No. 33258
Attorney for the Federal Defendants
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510
757-441-6331 Office
757-441-6689 Fax
Virginia.VanValkenburg@usdoj.gov

DONNA L. CARRIER-TAL
United States Army Corps of Engineers
Virginia State Bar No. 48032
Fort Norfolk
803 Front Street
Norfolk, Virginia 23510-1096
757-201-7777 Office
757-201-7721 fax
Donna.L.Carrier-Tal@usace.army.mil
*Assistant District Counsel for
the Army Corps of Engineers*

JOHN C. CRUDEN
Acting Assistant Attorney General
Environment & Natural Resources Division

CYNTHIA J. MORRIS, Trial Attorney
U.S. Department of Justice
Environmental Defense Section
P.O. Box 23986
Washington, D.C. 20026-3986
Tel: (202) 616-7554

RUTH ANN STOREY, Trial Attorney

U.S. Department of Justice
Natural Resources Section
P.O. Box 663
Washington, D.C. 20044-0663
Tel: (202) 305-0493

CERTIFICATE OF SERVICE

I hereby certify that, on the 17th day of September, 2010, I will electronically file the foregoing Stipulation of Dismissal with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following filing user(s):

Kimalee Cotrell Dickerson
kdickerson@hunton.com
Counsel for A & G Coal Corporation

Andrea Carol Ferster
aferster@railsotrails.org
Counsel for Southern Appalachian Mountain Stewards

Jeffrey H. Gray
jeffrey.gray@troutmansanders.com
anne.nardelli@troutmansanders.com
karen.kreutter@troutmansanders.com
Counsel for the Virginia Coal Association, Inc.

James Millard Hecker
jhecker@publicjustice.net
Counsel for the Sierra Club

Aaron Stephen Isherwood
aaron.isherwood@sierraclub.org
Counsel for the Sierra Club

Joseph Mark Lovett
jlovett@appalachian.center.org
Counsel for the Sierra Club

Robert Gale McLusky
rmclusky@jacksonkelly.com
Counsel for the Virginia Coal Association, Inc.

Peter Middleton Morgan
peter.morgan@sierraclub.org
Counsel for the Sierra Club

Walton Davis Morris, Jr.
wmorris@charlottesville.net
Counsel for the Sierra Club
Counsel for the Southern Appalachian Mountain Stewards

William Howell Wright, Jr.
cwright@hunton.com
bsmith@hunton.com
mshebelskie@hunton.com
bwright@hunton.com
Counsel for A & G Coal Corporation

/s/

Virginia L. Van Valkenburg
Assistant United States Attorney
Virginia State Bar No. 33258
Attorney for the Federal Defendants
8000 World Trade Center
101 West Main Street
Norfolk, Virginia 23510
(757) 441-6331 Office
(757) 441-6689 Fax
Virginia.VanValkenburg@usdoj.gov